

### REPORT OF THE COMMITTEE OF PRIVILEGES.

Sri T. MARIAPPA (Mysore City North).—I beg to present the report of the Committee of Privileges. The Committee has come to the conclusion that there was no breach of privilege.

Sri D. DEVARAJ URS (Hunsur).—In this connection, I would request the Speaker to have copies of the Report of the Privileges Committee of the Legislative Council distributed to the members of this House in view of the importance of the whole thing.

Mr. SPEAKER.—Though the point involved is different, the Office will attend to it. Copies, if possible, will be distributed.

We shall now rise for lunch and meet at 3-20 P.M.

*The House adjourned for Lunch at Fifty Minutes past Two of the Clock and reassembled at Twenty-five Minutes past Three of the Clock.*

[Mr. SPEAKER in the Chair.]

### MYSORE MUNICIPAL LAWS (AMENDMENT) BILL, 1953.

*Motion to consider.*

Sri T. CHANNIAH (Minister for Local Self-Government and Public Health).—I beg to move :

“That the Mysore Municipal Laws (Amendment) Bill, 1953, as passed by the Legislative Council, be taken into consideration.”

As this House is aware, there is at present no provision in the City of Bangalore Municipal Corporation Act, the Mysore City Municipalities Act and the Mysore Town Municipalities Act under which the private properties of His Highness the Maharaja can be taxed. It is therefore necessary.....

Mr. SPEAKER.—I now remember that on the last day of the Budget Session, the Bill was fully discussed and when a Member was debating on it, it was decided to postpone the consideration of the Bill. So, any Member

may take the opportunity to speak if he so desires. We can have discussion on the Bill. The Hon'ble Minister need not make any introductory speech again. The debate will take place.

Sri B. NARAYANASWAMY (Mysore City—South).—Mr. Speaker, Sir, on the last occasion when the Bill was being debated on, a pertinent point was raised as to whether the Palace in Mysore City or the Palace in Bangalore City is the private property of His Highness the Maharaja or the public property. That is the issue that was raised. At this point, Government were unable to place before us any relevant record or information. As a matter of fact, I think my Hon'ble friend, Sri K. Puttaswamy, requested the Hon'ble Minister to kindly furnish us the inventory list that was prepared, wherein also it was noted as to which are the private properties of His Highness the Maharaja and which are the public properties. At that stage, the subject was deferred and I think the Hon'ble Minister by this time will be in a position to let us know whether the Palace is the private property of His Highness the Rajpramukh or the public property, and, if it is a private property, the matter will be definite. Unless these particulars are furnished and the inventory is also placed before the House, I think it is not desirable to have a debate on this Bill.

3-30 P.M.

Sri K. HANUMANTHAIYA (Chief Minister).—If there are any other Members who want clarification on the subject, they may once for all say what they have got to say.

Sri M. V. RAMA RAO (Tumkur).—Sir, the position that arose on the occasion when this Bill was last placed before this House was, as well as I can recollect, whether the Palace in Mysore and the Palace in Bangalore and the buildings and lands appurtenant thereto formed the private or personal property of His Highness the Rajpramukh or whether these buildings were State property. That was the question which was raised on the last occasion when this Bill was debated. The

Hon'ble the Law Minister who was then piloting this Bill in this House was not in a position to explain to the House then and there whether these buildings were State property or whether they were the personal or private property of His Highness the Rajpramukh. I think it will be very helpful to the further course of this debate if Government will kindly explain to this House whether these buildings belong to His Highness the Rajpramukh and are to be deemed to be his personal or private property, because, it is only then that the Municipalities Act and the Corporation Act can be suitably amended in order to enable these local bodies to levy the municipal tax on these buildings. If, as it was suggested and argued by certain Hon'ble Members of this House, these Palaces and buildings are State property because of the reason that was advanced that these buildings were constructed out of moneys collected from the tax-payers of the State, then it would be quite unusual to impose municipal taxes on State-owned or Government-owned buildings. Therefore, if that position is clarified, the further course of this debate would be facilitated.

On that last occasion, Sir, the Law Minister made certain references to the inclusion of these properties in the list of personal assets and properties of His Highness the Rajpramukh, contained as an annexure to the agreement between His Highness the Rajpramukh and the Government of India. Therefore, I would suggest that that point may be illuminated by the Government before this debate is taken up by other Members of this House.

Sri K. PUTTASWAMY (Sreerangapatna).—That was the doubt expressed on the other day. If that point is made clear, it would enable us to offer our remarks on the provisions of this Bill.

Sri K. HANUMANTHAIYA.—Sir, I am extremely grateful to Hon'ble Members for giving me an opportunity to clarify the position. It is true, as has been stated, that there is room for clarification. The other day the Hon'ble the Law Minister was not able

to reply because he was not in charge of the portfolio of the Palace. Since I happen to be in charge, I will be able to give a clarification, I hope, to the satisfaction of the House. Sir, in the agreement that has been arrived at between the Government of India and the Rajpramukh, all private properties have to be taxed and they have to be treated just as any other private property. If that clause is to be construed strictly, it is natural, that the question arises whether these two buildings, these two palaces, are private properties or State properties. The previous Government, Sir, has considered this matter. In a letter, Sri V. P. Menon, the then Secretary for the State Ministry, has said that this is private property but inalienable. You have to kindly note the phraseology. I would request Sri Rama Rao kindly to note the phraseology. These two palaces are described in that letter as private property but inalienable. When I looked into this matter for the purpose of this Bill, it appeared to me that legally it is an untenable position. Most of us know, as lawyers, that a man cannot enjoy full ownership and at the same time have that full ownership restricted by a condition. According to the Transfer of Property Act as all of us know.....

Sri K. PATTABHIRAMAN (Kolar).—Restraint against alienation.

Sri K. HANUMANTHAIYA.—Yes. Restraint against alienation. That condition becomes null and void, but the full ownership remains. Therefore, I am having a series of talks with His Highness the Rajpramukh on the subject and the talks have not concluded. When I spoke to him the other day and explained the legal position, he was pleased to say that he wanted some time to consider this point of law which he said has much force in it. Therefore the Government is not committed to the position that it is fully private property. Even the previous Ministry has not conceded that point. So far as this Ministry is concerned, we think that, in the interests of the State itself, these two palaces cannot be declared as private properties. For, as some of my friends

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already pointed out, the entire palace is built out of State funds. Even the throne in the palace has been repaired and improved at State expenditure. Even today, the palace has to be maintained and furnished by Government funds. Therefore, it would not be right for any Ministry or any Government to concede that a property entirely made and maintained by State funds is private property. I therefore requested His Highness the Rajpramukh to view the matter from this point of view. I may inform the House that he has seen the force of the argument and what he wanted was merely time to consider the proposition so that he may finally come to some agreement. To arrive at a final decision this matter has to be considered by the States Ministry also. I am in correspondence with the States' Ministry on this subject. I therefore request the House to leave the clause as it is.

Now these two palaces are exempted. If the properties are ultimately declared to be State properties, the question of tax does not arise at all. That is the position that is adumbrated in the exemption. If it is taxed as private property in the Bill now, it will amount to conceding the proposition that it is definitely and finally private property. Therefore the exemption that is sought to be given will ultimately be helpful to the position that this property may be declared as State property. With this clarification, I hope the Hon'ble Members would pass the clause as it is.

Sri B. NARAYANASWAMY.—The whole trouble has arisen on account of using the words "belonging to His Highness the Maharaja". I think if these words are deleted, there will be no difficulty. In amending section 64, clause (i) the words "belonging to His Highness the Maharaja" have to be deleted.

Sri K. HANUMANTHAIYA.—I see the point of view expressed by my friend, Sri Narayanaswamy. I think that has to be accepted.

Sri T. MARIAPPA (Mysore City—North).—May I ask for certain clarification? Apart from Sri V. P. Menon's letter, is there not a Schedule attached to the agreement wherein the two palaces of Bangalore and Mysore are described as State property? If I remember aright and if my memory could help me, in the Schedule of the agreement, these two palaces are described as State palaces even apart from Sri V. P. Menon's letter.

Sri K. HANUMANTHAIYA.—If your proposition is correct and if, as you stated, that in the Schedule itself it is declared as State property, then as pointed out by Sri Narayanaswamy, the retention of the words "belonging to His Highness the Maharaja" in this clause cannot be in consonance with that position.

Mr. SPEAKER.—I think that, if that clause is omitted, further complications will arise.

\*Sri J. MOHAMED IMAM (Jagalur).—May I seek one information, Sir? I think a certain agreement must have been arrived at between His Highness the Rajpramukh and the States' Ministry of the Government of India. Can that agreement be made available to us? Secondly, can this House change the agreement or any clause of it by ourselves without reference to the States' Ministry? Because, I submit that so far as that agreement is concerned, that is beyond the purview of this Assembly and it is a matter for the States' Ministry and His Highness the Rajpramukh. Anyhow, it will facilitate if a copy of the agreement arrived at between the Government of India and the Rajpramukh is made available to us.

\*Sri R. ANANTARAMAN (Chamarajpet).—In view of the fact that the Chief Minister was kind enough to agree to the deletion of the words 'belonging to His Highness the Maharaja of Mysore,' I want another clarification with regard to 'Palace and buildings'. What about the buildings? Do they belong to the Palace or do they belong to His Highness the Maharaja? In the Palace premises, there will be private buildings belonging to His Highness the

Maharaja. Should they not be taxed also? Because, now the Palace and the buildings appurtenant thereto in the premises itself will all be exempted. That is why I have sent an amendment for the deletion of the words 'and the buildings'. No doubt, the Palace will have to be exempted.

Sri J. MOHAMED IMAM.—For example, Mysore Palace means 'the Palace, Mothi Khana and kitchen', etc.

Sri R. ANANTARAMAN.—Adjacent to that.

Sri R. CHENNIGARAMIAH (Korata-gere-Madhugiri—Scheduled Castes).—There are so many buildings belonging to the Palace. They are all listed in the private property list.

Sri J. MOHAMED IMAM.—'Appurtenant thereto' means, adjunct to the Palace. There are some buildings which are part of the Palace.

Sri R. ANANTARAMAN.—Is it the intention that these buildings also should belong to the Government?

Sri J. MOHAMED IMAM.—I think the States' Ministry must have made a list of what private properties are and what are not, copy of which may be made available to this House.

Sri K. HANUMANTHAIYA.—Sir, what I wish to submit now is that the entire list is unnecessary for the purpose of this Bill. Therefore, I think, I need not place the entire list of private properties of His Highness for the purpose of this Bill. It is a very big document.

Mr. SPEAKER.—That is not necessary also.

Sri K. HANUMANTHAIYA.—I have clarified. The question is about the two Palaces. These two Palaces may be exempted from the payment of the tax. Then it will be open to the Government to negotiate in the matter. Already I have said, they are within the Municipal limits. "No tax of any kind imposed as aforesaid shall be leviable in the City of Mysore in respect of the Palace and the buildings and lands appurtenant thereto." We may stop at that.

Mr. SPEAKER.—The Corporation Act says like this:

"Buildings and lands belonging to His Highness the Maharaja or used or intended for the occupation of His Highness the Maharaja."

If the words 'or belonging to His Highness the Maharaja' are omitted, what remains there is:

"used or intended for the occupation of His Highness the Maharaja."

Sri K. HANUMANTHAIYA.—Then we shall take it up tomorrow.

Mr. SPEAKER.—On the day when there will be Government business, i.e., just before Andhra Bill is taken up, this Bill may be taken up. This may not take much time. Some amendment seems to be necessary now. So, that may be taken up on that day.

Sri K. HANUMANTHAIYA.—As you rightly observed, on that day there will be an important Bill. But this Bill has to be passed as soon as possible. Taxes have not been paid on these private properties for the last two years, though according to agreement taxes should have been paid for private properties from 1952 onwards. Therefore, there is urgent necessity for passing this Bill without any further delay.

Mr. SPEAKER.—It is understood that it will be taken up just prior to the Andhra Bill.

Sri M. V. RAMA RAO.—In order to enable the Government to get these measures passed as soon as they are desired, would it not be fair and reasonable to inform the House with the specific and restricted reference to this particular Palace what the position is? The Hon'ble the Chief Minister may read to the House an extract from the annexure to that agreement so as to leave no doubt in the minds of any members of this House as to whether that agreement concludes the matter vesting the ownership of the Palace in His Highness the Rajpramukh or in the State of Mysore. Unless that position is explained to this House, we

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would not be in a position to legislate with responsibility. That is a thing with which, I am sure, the Chief Minister will agree. I do not suppose any Member of this House wants that the entire list of property should be read to this House on this occasion, at any rate. It would not be necessary. But, so far as this annexure contains any reference to the ownership of this building, I think, reading from the list of properties annexed to the agreement would help the House to know exactly what the position is. This will be necessary as I shall explain in two more sentences. A little earlier, my friend Sri Narayanaswamy made a suggestion that the difficulties which appeared to most of us here could be avoided and obviated by omitting the phrase "belonging to His Highness the Maharaja of Mysore" in sub-clause (b) of Clause 2 of this Amending Bill and the corresponding provisions of other sections. Now, I should like to say that if we leave those words out of this clause, what happens will be that we will be inserting a provision in the Mysore City Municipalities Act to the following effect :

"No tax of any kind imposed as aforesaid shall be leviable in the City of Mysore in respect of the Palace and the buildings and lands appurtenant thereto."

That is how it will read. Now let us assume that the Palace and the buildings and lands appurtenant thereto do not belong to His Highness the Rajpramukh. Then naturally, they belong to the State of Mysore. If that is so, is it the proposition of the Government to levy municipal tax on a property which belongs to the State? Because Section 64 of the Mysore City Municipalities Act of 1933 as well as Section 101 of the Bangalore Municipal Corporation Act, 1949, which make a similar provision regarding exemption from Municipal taxation in respect of buildings and properties situated within the municipal limits, recognise this important principle, that is, that no municipal taxes shall be leviable

upon buildings and properties belonging to the Government. Therefore, we would be making a departure from that principle too even if we omit those words as Sri Narayanaswamy suggests. So, I would like to request the Government to examine the matter further and particularly let the House know exactly what the position is with regard to ownership.

Sri K. HANUMANTHAIYA.—I accept the suggestion.

Sri K. PATTABHIRAMAN.—In addition to what my esteemed friend Sri Rama Rao has stated, I want to add one thing. By removing the phrase "belonging to His Highness the Maharaja of Mysore", possibly we may not have done everything. Because, we assume that—and that is what we want to do in this Act—we want to treat it as a State property and strengthen the hands of the Government to negotiate on that basis. Having assumed that if we remove that phrase and leave it as it is, virtually, we will be legislating to levy tax on a State property. So, I want the Government to consider the entire provision and see whether by the deletion of that phrase it adds to our trouble, I want that also to be considered.

\*Sri A. BHEEMAPPA NAIK (Molakalmuru). My Hon'ble friend Sri Pattabhiraman knows that Madras Secretariat is also taxed. I do not know why it is ridiculous to tax every property and why should there be any exemption?

Sri K. HANUMANTHAIYA.—There is a trunk call from Madras and my friend Sri A. G. Ramachandra Rao will be in charge.

Sri A. BHEEMAPPA NAIK.—I was just saying that in Madras even the Secretariat is also taxed. Within the purview of that Section, Government property is included. I therefore want to suggest, in the interest of these Municipalities and the Corporation, that Government property also should be taxed. It would not be ridiculous at all to tax Government properties.

Sri K. PATTABHIRAMAN.—You have not done it in respect of other properties. When you bring forward a

comprehensive legislation of taxing all Government properties, it is all right, but not as it is.

Sri B. NARAYANASWAMY.—If my Hon'ble friend Sri Pattabhiraman and Sri Rama Rao had gone through the Statement of Objects and Reasons, I think they would not have advanced this argument. The reason for bringing forward this amending Bill is that, at present, under the City Municipalities Act and the Corporation Act and the Town Municipalities Act, the properties belonging to His Highness the Maharaja have been exempted.

Sri M. V. RAMA RAO.—As well as other property.

Sri B. NARAYANASWAMY.—Yes, as well as other property. Now, the question is whether the private property of His Highness the Maharaja has to be taxed. In this Amendment Bill it has been proposed that all the private properties of His Highness have to be taxed. Now that exemption has already been granted in the previous Acts, it has been proposed in this bill that exemption be given for the properties of the Palace and buildings appurtenant thereto by bringing forward this amendment. It has become very necessary to grant no exemption to any other property which is the private property of His Highness. Now the doubt is whether the Palace is the private property of His Highness or the State property. In the old Act exemption is given in the case of private properties of His Highness. It is stated in this Bill that it is exempted. That is the position.

\*Sri K. PUTTASWAMY.—On the last occasion, a request was made to Government to lay a copy of the agreement on the Table of the House. If they do so, it would be easy for us to go on with this legislation or else it would be rather very difficult for us to understand what the agreement was. Moreover, the agreement between His Excellency the Governor-General of India and His Highness the Maharaja of Mysore dated 23rd January 1950 has been referred to in the Statement of Objects and Reasons. So, I request that a copy of the agreement may

kindly be placed on the table so as to enable us to understand what it is that we are doing. Moreover, it is pointed out by Sri T. Mariappa that these two properties have been described in the Schedule as belonging to the State.

4 P.M.

Sri T. MARIAPPA.—I want clarification as to whether the two properties have been included as private properties or State properties.

Sri K. PUTTASWAMY.—That is why I am submitting, if a copy of the agreement is placed on the table of the House, the matter would be clear.

Mr. SPEAKER.—We are now at the same stage as we were before, that is, on the last day of the previous sittings. Government have promised to reconsider the whole thing from all aspects and if need be, amendments will be moved and the Bill taken up just before the Andhra Bill is taken up for discussion.

Sri J. MOHAMED IMAM.—When are we settling the programme?

Mr. SPEAKER.—To-morrow in consultation with you.

## MOTION FOR ADJOURNMENT

### *Delay in making admissions to Technical Colleges.*

Mr. SPEAKER.—Sri Mulka Govinda Reddy has given notice of an adjournment motion as follows:

“This House do stand adjourned to discuss a definite matter of public importance, namely, the situation arising out of the delay in making admissions to the technical professional Colleges in Mysore State.”

A number of short notice questions have been received on this subject or similar subject and I would suggest to the Hon'ble Member to take advantage of that opportunity. If that is not sufficient, he may take opportunity under rule 39 and raise a discussion. It may not be advisable to discuss the subject by way of an adjournment motion.